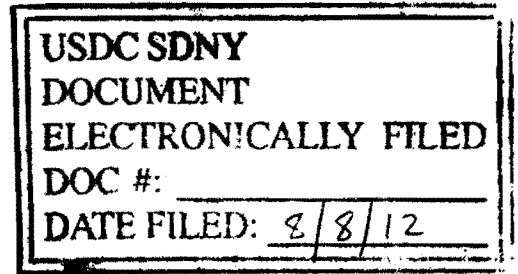


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HYPOXICO, INC.,

Plaintiff,

- against -

COLORADO ALTITUDE TRAINING LLC,
and LAWRENCE KUTT,

Defendants.
-----X

02 Civ. 6191 (TPG)

ORDER

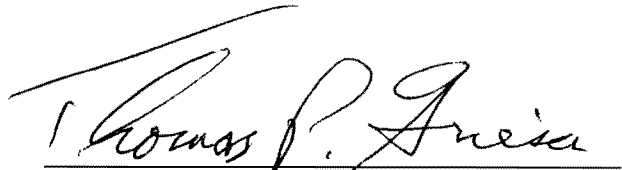
A trial was held in this case beginning on January 30, 2012. At the close of evidence, the court dismissed Hypoxico's claims against defendant Lawrence Kutt on the record. The claims were for inducement. The court found that Kutt "was trying to a remarkable degree to comply with the law and avoid infringing anybody's valid patents." 2/9 Trial Tr. 1497:24-1499:8.

Plaintiff has not challenged this ruling in any post-trial filing.

Kutt is dismissed as a defendant in this case. Judgment should be entered in his favor.

SO ORDERED.

Dated: New York, New York
August 8, 2012


Thomas P. Griesa
U.S. District Judge